

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

LA'BRENT ROBINSON,	:	CIVIL ACTION NO. 3:CV-10-2131
	:	
Plaintiff	:	(Judge Kosik)
	:	
v.	:	(Magistrate Judge Blewitt)
	:	
CORRECTION OFFICER BAHNEMAN,	:	
<i>et al.</i> ,	:	
	:	
Defendants	:	

ORDER

On August 9, 2012, the Court issued an Order and denied Plaintiff's August 8, 2012 Motion of Notification for Naming Defendant Correctional Officer John Doe (Doc. 57) in response to the Court's July 2, 2012 Order (Doc. 51) directing him to do so and to substitute a name of a Correctional Officer at SCI-Coal Township in place of Defendant John Doe since Plaintiff did not identify the name of Defendant John Doe in his Motion.¹ On August 24, 2012, Plaintiff filed a Motion Clarifying Defendant John Doe's Identification (**Doc. 60**) in which he states that he inadvertently failed to type in the name of Defendant John Doe in his Doc. 57 filing and, in which he states that Defendant John Doe is Correctional Officer Dunn. The Court will grant Plaintiff's Doc. 60 Motion and, direct the Clerk of Court to amend the docket in this case and to substitute Correctional Officer Dunn as Defendant John Doe. The Court will also direct the Clerk of Court to issue process to the U.S. Marshal for service of Plaintiff's Doc. 23 Amended Complaint on Defendant Correctional Officer Dunn of SCI-Coal Township.

1. The Court noted that Plaintiff's Doc. 57 Motion was completely blank in the space where Plaintiff indicated that he was naming Defendant Correctional Officer John Doe.

Also, on August 24, 2012, Plaintiff filed a Motion for Extension of Time. (**Doc. 61**). Plaintiff states that the Court issued an Order on August 7, 2012, Doc. 56, indicating that Defendants filed a Summary Judgment Motion and directing him to file his opposition. Plaintiff states that he was not served with any Summary Judgment Motion filed by Defendant and, he requests that the Defendant's Motion be served on him and an extension of thirty days to respond to it. A review of the filings in this case show that the August 7, 2012 Order to which Plaintiff is referring was erroneously docketed by the Clerk of Court in Plaintiff's case when the Order was clearly issued in the case of *Wallace v. Miller*, Civil No. 12-0244, M.D. Pa. Thus, the Court will direct the Clerk of Court to remove the August 7, 2012 Order, Doc. 56, from the docket in Plaintiff Robinson's case. The Court will then issue a scheduling order in the present case after Defendant Correctional Officer Dunn is served with Plaintiff's Doc. 23 Amended Complaint and responds to it.² The Court will accordingly deny Plaintiff's Motion for Extension of Time (Doc. 61) as moot.

AND NOW, this th29 day of August, 2012, IT IS HEREBY ORDERED THAT:

1. Plaintiff's August 24, 2012 Motion Clarifying Defendant John Doe's Identification (**Doc. 60**) is **GRANTED**. The Clerk of Court is directed to amend the docket in this case and to substitute Correctional Officer Dunn as Defendant John Doe. The Clerk of Court is also directed to issue process to the U.S. Marshal, who shall serve Plaintiff's Doc. 23 Amended Complaint upon Defendant Correctional Officer Dunn of SCI-Coal Township in accordance with Fed.R.Civ.P. 4.

2. The only other remaining Defendant in this action, namely Correctional Officer Bahenman, was served with Plaintiff's Amended Complaint and filed an Answer to it. (Doc. 53).

2. Plaintiff's August 24, 2012 Motion for Extension of Time (**Doc. 61**) is **DENIED AS MOOT**. The Clerk of Court is directed to remove the August 7, 2012 Order, Doc. 56, from the docket in Plaintiff Robinson's case.


THOMAS M. BLEWITT
United States Magistrate Judge

Dated: August 29, 2012